XIV
392

Acts of the
Governor-General
of India in council

Year 1851

Year: 1851

Sub: Law and
Legislation / Acts/
Act of the Governor-
General

place: India

SECRETARIAT LIBRARY

ACT No. I. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 7th of February 1851, *with the assent of the Most Noble the Governor General of India.*

For the appropriation of fines levied under Act XXIV. 1845.

IT being reasonable and just that the amount of all fines levied under Section V. Act XXIV. 1845, should go toward defraying the expenses attending the holding of Courts under the said Act, It is enacted as follows:

I. All fines imposed and levied under Act XXIV. 1845, shall be paid into the Government Treasury to the credit of the Marine Department of the Presidency of Fort William in Bengal, and shall be applicable in discharge of expenses connected with the summoning and holding of Courts and other proceedings under the said Act.

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. II. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 11*th April* 1851, *with the assent of the Most Noble the Governor General of India.*

To amend Regulation XIII. 1810, *of the Bengal Code, for the trial of Appeals.*

WHEREAS the Sudder Dewanny Adawlut of the North-Western Provinces, of the Presidency of Fort William in Bengal, as now constituted, comprises three Judges only, and appeals cannot therefore be entertained according to Regulation XIII. 1810, of the Bengal Code, and Act II. 1843, where the judgment appealed from was passed by one of the said Judges, and it is therefore expedient that the said Regulation be amended, It is enacted as follows:

I. No Judge, of either of the Courts of Sudder Dewanny of the Presidency of Fort William in Bengal, shall be disqualified from being one of three Judges sitting for the hearing and decision of an appeal, by reason of his having passed the decision in the Lower Court, against which the appeal is made.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. III. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 11th April 1851, with the assent of the Most Noble the Governor General of India.

An Act to amend Regulation X. 1819 *and Act XXIX.* 1838, *for preventing the unlawful manufacture and transportation of Salt.*

WHEREAS the Laws in force for prevention of the unlawful manufacture and transportation of Salt in the Provinces of Bengal, Behar and Orissa are defective, It is enacted as follows:

I. Any Salt Agent or Superintendent of Salt Chokies, and also any Assistant to a Salt Agent or Superintendent, or head Officer of any Salt Chokee or Aurung, to whom information shall be given that salt is unlawfully manufactured in any warehouse, dwelling house or other enclosed place within his jurisdiction, may act upon such information in the same manner as in Act XXIX. 1838 he is authorized to act, upon information given him of salt exceeding one maund in quantity being in store in a house, warehouse or other place; and all freshly manufactured contraband salt found by such Officer shall be liable to seizure together with the implements of manufacture, and the provisions of Sections II. to X of Act XXIX. 1838, as to the receipt of information and the manner of search and seizure, and of Section XXIII. of the same Act, as to the penalty

penalty for false and malicious information, shall be applicable to information given, and search and seizure made under this Act.

II. In modification of Section XIV. Act XXIX. 1838, any person who shall be found conveying salt, exceeding in quantity five seers of eighty tolahs to the seer, without protective document, within the tract of country in Bengal or Orissa wherein the transportation of salt, unless so protected, is prohibited, and also all persons found in gangs or companies carrying salt so unprotected, which in the whole quantity exceeds ten such seers, shall be subjected to the penalties prescribed by Regulation X. 1819, of the Bengal Code, and Act XXIX. 1838, for the illegal possession and transportation of salt.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. IV. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 25th April 1851, with the assent of the Most Noble the Governor General of India.

An Act for the appointment of uncovenanted Deputy Magistrates, and for defining the duties of Deputy and Assistant Magistrates in Bombay.

WHEREAS the administration of justice will be improved by extending the provisions of Act XV. 1843, to the Presidency of Bombay, and by more exactly defining the powers of Assistant Magistrates, It is enacted as follows:

I. So much of Act XIV. 1835, as empowers the Governor of Bombay in Council to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate, is repealed.

II. The Governor of Bombay in Council may appoint to any Zillah or District one or more uncovenanted Deputy Magistrates, with the powers hereinafter specified.

III. Every person appointed to the office of Deputy Magistrate under this Act shall, before entering upon the execution of the duties of his

his office, make and subscribe before one of the Courts of Record established in the said Presidency, (or in the Zillah to which he is appointed) a declaration to the same effect as the oath required by law to be taken by Magistrates, which declaration shall be deemed to be made under Act XXI. 1837.

IV. A Deputy Magistrate apppointed under this Act, or an Assistant Magistrate, may be employed as a judicial officer, or as an officer of Police, or both, at the discretion of the Governor of Bombay in Council. As a judicial officer he shall exercise the powers of a covenanted Assistant, under Section III. Regulation XII. 1827, Regulation IV. 1830, Regulation VIII. 1831, of the Bombay Code, and Act XXV. 1839, or the full powers of a Magistrate, when specially authorized by the Governor of Bombay in Council; and, in such cases, he shall be subject to such authority in regard to appeals from his decisions and judicial orders as is provided under the above mentioned Regulations for the decisions and orders of a covenanted Assistant or of a Magistrate respectively. As an officer of Police, he shall be in all respects subordinate to the Magistrate under whom he is placed; he shall exercise such executive powers only as the Governor of Bombay in Council, or the Magistrate, with the sanction of the Governor of Bombay in Council, commits to him, and shall obey all lawful orders so issued, and perform all duties so assigned to him by the said Magistrate, who shall be at all times competent, subject to such orders as he receives, from time to time, from the Governor of Bombay in Council, to extend, limit or resume the executive powers committed to such Assistant or Deputy.

V. Nothing in this Act contained shall be held to disqualify any uncovenanted Officer in the Revenue and Judicial Departments from holding, at the same time with any other office, the office of Deputy Magistrate.

VI. A Deputy Magistrate appointed under this Act shall not be dismissed from office for misconduct, without the sanction of the Governor of Bombay in Council. Whenever there is reason to believe, that a Deputy Magistrate is disqualified, by neglect, incapacity, corruption or other misbehaviour, for continuance in office, a report shall be made by the Magistrate for the consideration and orders of the Governor of Bombay in Council, who shall be competent to suspend such Deputy Magistrate, and order a further enquiry into his behaviour, or order his immediate dismissal, as appears just and proper.

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by W. Palmer

BE[illegible] RETARIAT
LIBRARY

ACT No. V. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 6th June 1851, *with the assent of the Most Noble the Governor General of India.*

For relief of certain sufferers by the Insolvency of Sir Thomas Turton, Baronet.

WHEREAS, under an Act of Parliament passed in the fortieth year of the Reign of King George the Third, entitled "an Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," Sir Thomas Edward Mitchell Turton, Baronet, as Registrar of the Ecclesiastical Court at Fort William in Bengal, was empowered to administer to the Estates of all British Subjects dying intestate within the said Presidency of Fort William in default of any claim made and established on behalf of any next of kin or Creditor to the deceased; And whereas the said Sir Thomas, on or about the 25th day of February 1848, resigned the Office of Registrar of the said Ecclesiastical Court, then being insolvent, and unable to pay several large sums of money due to the owners of sundry Estates to which he had administered or had assumed to administer under the power vested in him by the said Act, and also other sums of money due to the owners of sundry Estates of which he had taken

taken charge as such Registrar, although on account of the small value thereof or otherwise, no Letters of Administration of the last mentioned Estates were granted to him, and also other sums of money belonging either to suitors of the Supreme Court of Judicature at Fort William in Bengal, or other persons for whose benefit a trust was created in the said Sir Thomas, by reason of his holding the office of Registrar of the said Court, on its Ecclesiastical, Equity and Admiralty sides, or as Curator under Act XIX. 1841, or as Official Trustee under Act XVII. 1843;

And whereas, in order to know the deficiency of the said Sir Thomas in respect of the said several particulars of charge, certain Commissioners were appointed by an order under the seal of the Supreme Court of Judicature at Fort William, bearing date the 8th March 1848, to enquire and report thereon to the Court;

And whereas the said Commissioners made their report to the said Court, bearing date the 25th January 1849, and now filed of record in the said Court, whereby they reported fully on the several matters committed to them as aforesaid, setting forth in the body of the said Report, and also in certain Schedules thereunto annexed marked (A,) (B,) (C,) (D,) (E,) and (F) respectively the names and titles of the several Estates, suitors and other persons to whom upon the account taken by them, money or securities for money appeared to be due by the said Sir Thomas;

And whereas, it is deemed expedient that the said sufferers by the insolvency of the said Sir Thomas Edward Mitchell Turton be reimbursed their several losses out of the accumulated produce of certain unclaimed Estates, now in the custody and management of the Administrator General, due provision being made for securing the interests of the rightful claimants thereunto, if any shall hereafter appear; It is enacted as follows:

I. The

I. The net proceeds of all Estates to which the Registrar of the said Ecclesiastical Court has administered in right or under colour of his office under the said Act of Parliament, and which from the official books and accounts of the said Registrar appear to have been in the custody or control of the said Registrar ready to be distributed before the first day of January 1836, and to have been since that time unclaimed and now to continue unclaimed in the custody or control of the Administrator General in Bengal in right of his office under Act VII. 1849, and also from time to time the net proceeds of all Estates to which the said Registrar or the said Administrator General under the said Act VII. 1849 has administered, or to which the said Administrator General shall hereafter administer, and which shall in like manner appear to have continued for fifteen years in his custody or control unclaimed shall be transferred and paid, as the same respectively accrue, to the Sub-Treasurer of the East India Company at Fort William in Bengal, and be carried to the account and credit of the East India Company for the general purposes of Government, and the receipt of the said Sub-Treasurer shall be a full indemnity and discharge to the said Administrator General for any such payment.

II. If any claim shall be hereafter made to any part of the net proceeds of any Estate so transferred and paid to the account and credit of the East India Company, and established to the satisfaction of the Administrator General and Accountant to the Government of Bengal for the time being, the said Accountant shall direct the Sub-Treasurer to repay, and the Sub-Treasurer shall thereupon repay the principal sum so paid or represented by the Securities so transferred, or so much thereof as shall appear to be due to the claimant out of the monies of the East India Company in his custody. If the claim is not established to the satisfaction of the said Administrator General and Accountant, the claimant may apply by petition to the said Supreme Court against the East

East India Company and Administrator General, for the time being; and, after taking evidence either orally or on affidavit in a summary way as the Court shall think fit, the Court shall make such orders on the petition as justice requires, which shall be binding on all parties to the suit.

III. The Accountant to the Government of Bengal is authorized and required from time to time to direct the Sub-Treasurer to pay, and the Sub-Treasurer shall thereupon pay, out of the monies of the East India Company in his custody, such sums as will be sufficient to pay off and discharge to such persons as shall appear to be entitled thereunto, as the lawful representatives of the Intestates and others named in the Schedules (A,) (B,) (C,) (D,) annexed to the said Report, and also to the suitors and other persons entitled to the Equity Deposits and Trust monies in the suits and under the trusts named in the Schedules (E) and (F) annexed to the said Report, and other deposits and trust monies (if any) paid or entrusted to the said Sir Thomas by order of the said Court, and to the net proceeds of the estate of Ramnarain Coondo, of which the said Sir Thomas was Curator under Act XIX. 1841, the several principal sums of money which, upon the final adjustment of the accounts of their several claims and estates, shall appear to have been due to them respectively from the said Sir Thomas on the 25th day of February 1848, and to be then still due and unsatisfied, and also the balance due by the said Sir Thomas to Government in respect of Court fees received by him as Registrar of the said Court, but not accounted for by him to Government.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. VI. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 6th June 1851, *with the assent of the Most Noble the Governor General of India.*

Respecting certain land in Bombay called Foras Land.

WHEREAS the East India Company are legally entitled to the freehold reversion of the several lands heretofore paying a render called Foras, the outline whereof is delineated in a plan deposited in the office of the Secretary to the Government of Bombay and authenticated by the signatures of the Right Honorable the Governor and Members of the Council of Bombay and numbered 1, subject to certain tenancies therein at will, or from year to year; and whereas it is considered expedient as of grace and favor that the rights of the said East India Company in all of the lands included in the said plan, save those marked upon the said plan as to be taken, or as having already been taken for public roads, tanks and other public purposes, the outline of which lands so to be or having been taken is also delineated in another plan numbered 2, also deposited and authenticated as aforesaid, should be extinguished save as hereinafter mentioned, It is enacted as follows:

I. The lands comprised in the said plan No. 2 shall, from and after the first day of July, in the year 1851, be vested in the said Company

free from all rights therein of all other persons, for the purpose of constructing public roads, tanks and other public purposes.

II. From and after the said first day of July, the rights of the said Company in all of the said lands mentioned in the said plan No. 1, except those mentioned in the said plan No. 2, shall be extinguished in favor of the persons who shall then hold the same respectively as the immediate rentpayers to the said Company, saving the rents now severally payable in respect of such lands, which shall continue payable, and recoverable by distress or by any means by which land revenue in Bombay is or shall be recoverable under any Act or Regulation, and saving also all rights of forfeiture and escheat, in respect of want of heirs or representatives, or of felonies committed, or otherwise in respect of attainder.

III. As between such rentpayers and other persons, such extinguishment shall enure for the benefit of the persons beneficially entitled to the lands thereby affected, and not of any mere Trustee or other person in whom the legal estate only is or may be vested.

IV. Nothing herein contained shall exempt such lands from being liable to any future general taxes on land in Bombay, or from being subject to Act XXVIII. 1839 and Act XVII. 1850.

V. After the said first day of July as soon as shall be convenient, the Governor of Bombay in Council shall appoint fit persons, not exceeding five in number, to be Commissioners under this Act, for the purposes hereinafter mentioned (with such salaries or remuneration as to the said Governor in Council shall seem fit); any three or four of whom met together, (two being Officers of Government), may do any act which by this Act the Commissioners are empowered to do; and in case of the death,

death, resignation, removal or absence of any such Commissioner, the Governor in Council shall appoint another in his room.

VI. A duplicate of the said plans, authenticated by one of the Secretaries to the Government of Bombay, shall be lodged with the said Commissioners and shall form a record of their office.

VII. From and after the said first day of July the said Commissioners shall proceed to estimate the value of the several portions of land and the improvements thereon comprised in the said plan No. 2, and of the expenses which will be incurred in executing this Act, and to assess the amount of such estimate in such way and in such proportions as to them shall seem right to and upon the lands mentioned in the said plan No. 1, and the fund to be raised by such assessment shall be denominated the "Foras Land Assessment Fund"; and for the purpose of framing such estimate and making such assessment the said Commissioners may summon as witnesses any persons whomsoever, whether interested or not in the said lands, and examine them on oath or otherwise as they may see fit, or proceed upon a mere estimate, according to the best of their judgment, without evidence.

VIII. Any person summoned as a witness, and refusing or without lawful excuse neglecting to appear and give evidence according to the terms of the summons may, on proof thereof, be fined by any Magistrate of Police for every default a sum not exceeding ten Rupees, to be paid to the said Commissioners for the said Foras Land Assessment Fund, and may be committed to prison in default of payment.

IX. The said estimate and assessment when completed shall be signed by the said Commissioners and form a record of their office.

X. After

X. After the completion of the said estimate the said Commissioners shall make out and sign certificates, which shall, by numbers, or in such other way as to the said Commissioners may seem more convenient, refer to the several portions of land mentioned in the said plan No. 2, and shall show the estimated value of the land and improvements thereon to which the same refer, which certificate shall give to the holders thereof a right to demand payment of the sums for which the same are in the body of the same expressed to be granted, from and out of the said "Foras Land Assessment Fund," after the said Commissioners shall, by public advertisement in the Bombay Government Gazette, have advertised that they are ready to redeem the said certificates.

XI. The persons who shall have been the rentpayers to the said Company on the said first day of July of any land mentioned in the said plan No. 2, or their representatives or assigns shall be entitled to be the first holders of the certificates relating to the same lands.

XII. When the said certificates shall have been completed, the said Commissioners shall distribute the certificates to the persons entitled thereto; or, if it shall appear to them doubtful to whom any certificate should be delivered, may deposit it with the Prothonotary of the Supreme Court of Judicature established at Bombay by Royal Charter, which Court may adjudicate upon the right to every certificate so deposited, and may direct how such right shall be tried.

XIII. The delivery to any person by the Commissioners of any certificate shall not confer upon him any right to retain the same as against any person having a better title thereunto, who shall be at liberty to sue for and recover the same, and all benefits thereto belonging, in the said Supreme Court, by such proceeding as the said Court shall direct.

XIV. When

XIV. When the said assessment shall have been completed, the Commissioners shall give notice thereof in the Government Gazette, and after the expiration of three weeks next following the publication of such notice shall proceed to collect the assessments, and if necessary to levy them by distress and sale of any goods found on the said lands, or by sale of the lands assessed; and the said Commissioners shall keep accounts of the sums received for assessment, and pay the same from time to time into the Bank of Bombay.

XV. The said Commissioners, subject to the approval of the Governor of Bombay in Council, may employ such Surveyors, Accountants and Clerks as to them shall seem fit, and incur such other charges and make such disbursements from the said Foras Land Assessment Fund as may be necessary for executing the provisions of this Act.

XVI. The Commissioners may receive any portion of the assessment from any person, but any receipt granted by them for the same shall not affect the title to any lands in respect whereof the same shall have been paid; and, when the said Foras Land Assessment Fund, or such portion thereof as to the said Commissioners shall seem adequate, shall have been recovered, the said Commissioners shall redeem the certificates on demand by the holders thereof.

XVII. When, on the sale of any land or goods for satisfaction of any assessment, more money shall be raised than is required to pay the amount to be levied, the Commissioners shall pay the overplus to such person or persons as shall appear to them to have been entitled to the land or goods sold; or, if they are doubtful to whom they should pay the same, may pay such overplus to the Accountant General of the said Supreme Court, and any persons claiming to be entitled thereto may

sue

sue for and recover the same by such proceeding in the said Supreme Court as the said Court shall direct.

XVIII. The Commissioners shall not be liable for the amount so paid to any person, in case another person having better title thereunto shall afterwards appear, but the same may be recovered from the party who received the same or his representatives at the suit of the person entitled thereunto.

XIX. The said certificates shall be transferrable by endorsement.

XX. The said Commissioners, at any time after the said first day of July may grant a warrant to any person or persons to take and deliver to the Officers of the Bombay Government any of the lands mentioned in the said plan No. 2, which warrant shall confer on such person or persons the same powers and rights which the Sheriff has for executing a writ of possession issued by the said Supreme Court.

XXI. The said Commissioners, with the consent of the Governor of Bombay in Council, to be signified in writing upon the said plan No. 2, under the hand of one of the Secretaries to the Government of Bombay, at any time before the completion of the assessment, may alter the plan No. 2 lodged with the said Commissioners, and corresponding alterations shall be made in the plan No. 1 lodged with the said Commissioners, and the Governor of Bombay in Council shall thereupon cause the like alterations to be made in the plans deposited in the Office of the Secretary to the Government of Bombay; and, if any such alterations shall be so made, the plans so altered shall to all intents and purposes of this Act be considered as the plans referred to by this Act. Provided always that, if any difference shall at any time appear between the plans deposited with the Commissioners and the plans deposited in the office of the Secretary

to

to the Government of Bombay, the latter shall be deemed the original and authentic plans referred to by this Act.

XXII. No action at law or other proceeding shall be brought in any Court whatever against any Commissioner under this Act for any thing done or omitted to be done by him as a Commissioner thereunder; and a certificate in writing under the hand of one of the Secretaries to the Government of Bombay shall be evidence that any such act or deed of commission or omission complained of was done by the Commissioners in execution of their powers as such Commissioners under this Act.

XXIII. On the close of the business of the said Commission the records thereof shall become and be made a record of the Bombay Government.

XXIV. If, at the closing of the said Commission, there should appear to be any unappropriated balance of the said Foras Land Assessment Fund, the same shall be paid to the Municipal Fund of Bombay; and, if the said Foras Land Assessment Fund should prove insufficient to answer the charges upon it, the deficient amount shall be paid from the said Municipal Fund, upon an order or orders to be signed by the said Commissioners, countersigned by one of the Secretaries to the Government of Bombay.

FIRST SCHEDULE.

Containing the form which may be adopted for the Estimate mentioned in this Act.

No. in Plan.	Quantity in Square Yards.	Value including Improvements.

Assessment.

Assessment.

No. in Plan.	Quantity in Square Yards.	Amount of Assessment.

Second Schedule.

Containing the form which may be used for summonses for witnesses.

Commission under the Foras Land Act.

You are required to attend the Commissioners on at o'clock the day of to give evidence under the provisions of Act No. VI. 1851.

(Signed) _____

_____

_____

Commissioners.

Third Schedule.

Containing the form which may be used for Certificates.

Foras Land Act VI. 1851.

This is to certify that the holder of this Certificate is a Claimant on the Foras Land Assessment Fund in respect of land taken for public purposes under Act VI. 1851, for the sum of Rupees

(Signed) _____

_____

_____

Commissioners.

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. VII. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 13th June 1851, with the assent of the Most Noble the Governor General of India.

To amend the law of the Bombay Presidency relating to execution of Decrees.

WHEREAS it is necessary to amend the Law of the Bombay Presidency, relating to execution of Decrees, It is enacted as follows:

I. Clause 2nd, Section LXI. Regulation IV. and Clause 3rd, Section VII. Regulation XXIX. 1827, of the Bombay Code, are repealed.

II. Decrees in Civil Suits, whether original or in appeal, shall be executed by the Court in which the original Decree was passed, and every application for execution of a Decree shall be made to the Court in which the Decree was originally passed.

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by W. Palmer

ACT No. VIII. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 4th July 1851, *with the assent of the Most Noble the Governor General of India.*

An Act for enabling Government to levy Tolls on Public Roads and Bridges.

WHEREAS it is expedient to enable Government to levy Tolls upon Roads and Bridges, It is enacted as follows:

I. Acts II. of 1837 and VIII. of 1838 are repealed, but not so as to revive any Regulation or Act thereby repealed.

II. The Governor of the Presidency of Fort William in Bengal, the Lieutenant Governor of the North Western Provinces of Bengal, the Governor of the Presidency of Fort St. George in Council, and the Governor of the Presidency of Bombay in Council, may cause such rates of Toll, ~~not exceeding the rates mentioned in the Schedule annexed to this Act~~, as they respectively think fit, to be levied upon any road or bridge which has been, or shall hereafter be made or repaired at the expense of the Government; and may place the collection of such Tolls under the management of such persons as may appear to them proper: and all persons employed in the management and collection of such Tolls

Tolls shall be liable to the same responsibilities, as would belong to them, if employed in the collection of the Land Revenue.

III. In case of non-payment of any such Toll on demand, the Officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the Toll; and, if any Toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the Officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge of the Toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property; and the said Officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday, or any close holiday, he will sell the property by auction. Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expences incurred, and of double the Toll payable by him, the said Officer shall forthwith release the property seized.

IV. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody; but no other exemption from payment of the Tolls levied under this Act shall be allowed.

V. All Police Officers shall be bound to assist the Toll Collectors, when required, in the execution of this Act; and, for that purpose, shall have the same power which they have in the exercise of their common Police duties.

VI. Every person, other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any public road

road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other, or higher Toll than the lawful Toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money, or any valuable thing from any person under colour of this Act shall be liable on conviction before a Magistrate, to imprisonment for any term not exceeding six Calendar months, or to fine not exceeding two hundred Rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved: but this remedy shall not be deemed to bar, or affect his right to have redress by suit in the Civil Court of the Zillah.

VII. A Table of the Tolls authorized to be taken at any Toll-gate or Station shall be put up in a conspicuous place near such gate or station legibly written or printed in English words and figures, and also in those of the Vernacular language of the district to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll.

VIII. The Tolls, levied under this Act, shall be deemed public revenue; but the net proceeds thereof shall be applied wholly to the construction, repair and maintenance of roads and bridges, within the Presidency in which they are levied

SCHEDULE.

On every four wheeled Carriage on Springs, ...	2	Rupees.
On every two wheeled Carriage on Springs (except Native Hackeries,)	1	Rupee.
On every Native Hackery on Springs, ...	2	Annas.
On every four wheeled Carriage without Springs, ...	6	Annas.

On

On every two wheeled Carriage without Springs, ...	4	Annas.
On every Cart and Hackery not on Springs, and having wheels of less diameter than three feet six inches and tyres less in breadth than three inches, ...	8	Annas.
On every Cart and Hackery not on Springs and not having wheels of less diameter than three feet six inches, and tyres less in breadth than three inches,	2	Annas.
Buffalos or Bullocks per head, ...	6	Pie.
On every Elephant, ...	1	Rupee.
On every Camel, ...	4	Annas.
On every Horse, ...	1	Anna.
On every Tattoo, ...	6	Pie.
On every score of Sheep or Goats, ...	2	Annas.
On every herd of Swine per hundred, ...	4	Annas.
On every Mule, ...	3	Pie.
On every Ass, ...	2	Pie.
On every Palanquin or Tonjon with Bearers, ...	1	Rupee.
On every Palna or small Native Palanquin with Bearers,	4	Annas.
On every Native Dooly with Bearers, ...	2	Annas.
On every Person carrying a load for hire, ...	2	Pie.

N. B. Animals drawing any Vehicle for which Toll can be demanded are not to be also charged with Toll.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W Palmer

ACT No. IX. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 11th July 1851, with the assent of the Most Noble the Governor General of India.

An Act for the prevention of Gambling in Bombay.

WHEREAS the vice of Gambling has of late years much increased, and many gaming houses have been established within the Town and Island of Bombay, for suppression of which the laws now in force are inadequate, It is enacted as follows:

I. So much of Article II. of Title Fifth of a Rule, Ordinance and Regulation passed by the Governor of Bombay in Council on the 11th day of April 1827, and registered in the Supreme Court of Bombay on the 22nd day of June 1827, as provides that the Court of Petty Sessions shall exercise jurisdiction over common gamblers who shall not give a satisfactory account of any other means of livelihood, is repealed.

II. Every person who, within the Town and Island of Bombay, shall keep a common gaming house, or any room, or other place used for the purposes of a common gaming house, or who shall have the care or management thereof, or shall in any manner conduct the business of any such common gaming house, either as Banker, Shroff, Croupier

Croupier or otherwise, shall, on conviction before the Court of Petty Sessions, be punishable by fine not exceeding One Thousand Rupees, or, in the discretion of the said Court, may be imprisoned with or without hard labor for any period not exceeding six Calendar months.

III. And, whereas it may be doubted, whether or not certain houses or rooms alleged or reputed to be opened for the use of the subscribers only, or not open to all persons desirous of using the same, are to be deemed common gaming houses, it is declared and enacted that, in default of other evidence proving any house, room, or place to be used as a common gaming house, it shall be enough, in support of the allegation in any information or indictment that any house, room, or place is a common gaming house, to prove that such house, room, or place is kept or used for playing therein at cards, dice, or any unlawful game, and that a bank is kept there by one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favourable to all the players, including, among the players, the banker or other person by whom the game is managed, or against whom the other players stake, play or bet; and every such house, room, or place shall be deemed a common gaming house.

IV. Every person who shall be found in any such common gaming house playing or gaming with cards, dice, counters, money, or other instruments of gaming, or who shall be found there present during such playing or gaming, or for the purpose of gaming, or who shall be found gaming with cards, dice, counters, money, or other instruments of gaming in any street or public place or thoroughfare within the said town and island, whether playing for any money, wager, stake, or otherwise, shall be punishable, on conviction before the Court of Petty Sessions, by fine not exceeding Five Hundred Rupees; or in the discretion of the said

said Court, may be imprisoned with or without hard labor for any period not exceeding three Calendar months.

V. Any Magistrate of Police, upon information laid before him on oath that there is reason to suspect any house, room, or place within the said town and island to be used as a common gaming house, may, by his warrant, give authority to any Constable of Police in the town and island of Bombay to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming, and all monies and securities for money found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed; and to search also the persons of those whom he so takes into custody, and to seize and take possession of all cards, dice, counters, and other instruments of gaming which he shall find upon such search.

VI. When any cards, dice, gaming table or cloth, or other instruments of gaming are found in any house, room, or place of which information has been given on oath to a Magistrate of Police, that it is suspected of being used as a common gaming house, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Constable or any of his Assistants.

VII. On conviction of any person for keeping or being present for the purpose of gaming in any common gaming house, all the instruments of gaming found therein shall be destroyed by order of the Court

of

of Petty Sessions, which shall also order all, or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein, to be forfeited, or in its discretion may order any part thereof to be returned to the parties appearing to have been severally thereunto entitled.

VIII. Any Officer of Police may arrest without warrant all persons whom he may see in the act of gaming in any street or public place or thoroughfare in the said town or island, and seize all cards, dice, counters, and instruments of gaming which he finds in their possession, which, on conviction of any of the parties, shall be destroyed by order of the Court.

IX. It shall not be necessary, in order to convict any person of keeping a common gaming house, or of being concerned in the management of any common gaming house or gaming table, to prove that any person found playing at any game was playing for any money, wager, or stake.

X. Any person who shall have been concerned in any unlawful gaming, and who shall be examined as a witness before the said Court of Petty Sessions, on the trial of any person or persons for a breach of any of the provisions of this Act, and who upon such examination shall make true and faithful discovery to the best of his or her knowledge of all things as to which he or she shall be so examined, and who shall thereupon receive from the said Court a certificate in writing to that effect, shall be freed from all prosecutions under this Act for any thing done before that time in respect of such unlawful gaming.

XI. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill played at Hotels or Taverns licensed

licensed by the Collector of Land Revenue, and the Senior Magistrate of Police under Act XVIII. of 1840, or in any place of public resort licensed by the Court of Petty Sessions under Act XIV. of 1842.

XII. Every person who shall by any fraud or unlawful device or ill practice in playing at or with cards, dice, or other game, or in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands, of them that do play, or in wagering on the event of any game, sport, pastime, or exercise, win from any other person for himself, or any other or others any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and being convicted thereof shall be punished accordingly.

XIII. No conviction or other proceeding before the said Court of Petty Sessions under this Act shall be quashed, or set aside or adjudged void or insufficient for want of form, or be removed by Certiorari into Her Majesty's Supreme Court.

XIV. All fines imposed under this Act shall be recovered under Act II. of 1839.

XV. The Court of Petty Sessions shall on conviction have power to direct any portion, not exceeding one-fourth of any fine which shall be levied under the provisions of this Act, or any part of the monies or proceeds of articles seized in any common gaming house and ordered to be forfeited, to be paid to an informer, and the balance of such fines and monies or the whole thereof, as the case may be, shall be applied to the use of the Municipal Fund under Act XI. of 1845.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by W. Palmer

SECRETARIAT LIBRARY

ACT No. X. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 18th July 1851, with the assent of the Most Noble the Governor General of India.

To amend Act XX. of 1841 for the Administration of personal Estate of deceased persons.

FOR amendment and extension of the power to grant Certificates of Administration of the personal Estate of deceased persons under Act XX. of 1841, It is enacted as follows:

I. In the case of disputes among persons, claiming to be jointly entitled to be proprietors of any public Securities of the East India Company, as the representatives of any deceased person, the District or Zillah Judge, whenever sufficient cause shall be shown to him, and on the request of any such claimant, may grant a Certificate of Administration of the personal Estate of the deceased, so far as concerns the said Securities, according to Act XX. of 1841, to such person as shall be from time to time appointed by the Governor of Bengal, and Governors of Madras and Bombay in Council respectively, to act as Trustee under this Act; and shall specify in such Certificate the several persons appearing to him to be such proprietors, and their several shares; and the said Trustee, by virtue of such Certificate, shall be entitled to receive and

and give discharges for the interest accruing due on such Securities; and shall account for, and pay the sum to the several persons specified in the Certificate to be thereunto entitled, according to the shares therein set forth; and shall be empowered to act in all other respects concerning the said Securities as Agent for such persons; and shall be entitled to the same rate of Commission upon all such transactions as is allowed to the Government Agent for the time being on the like transactions, as Agent of the public creditors of the East India Company, by any Regulations from time to time made by the Governor General of India in Council: Provided nevertheless that the right of any other person to recover the whole or any part of the monies so paid, by regular suit against all or any of the persons to whom the same have been paid, shall not be affected by this Act.

II. If any such disputes, among persons claiming to be proprietors of public Securities of the East India Company, are not ended within two years from the date of the Certificate of Administration granted by any District or Zillah Judge, the said Trustee may apportion the principal sum of the said Securities rateably among the parties appearing from the aforesaid Certificate to be proprietors thereof, and may apply for and receive new Securities from the proper Officer appointed to issue the same, in the respective names of the several parties certified to be entitled thereto; provided that such new Securities shall be issued only according to the rules in use for the regulation and issue of such public Securities; and the receipt of the said Trustee for such new Securities, by endorsement on the old Securities or otherwise, shall be a legal discharge to the East India Company against the disputing parties claiming to be entitled to the several amounts for which such Securities shall be issued: Provided always that, if the amount of any Securities in dispute or any part thereof, shall not be sufficient to admit of their rateable division according to the Rules applicable to the issue of such Securities, the said Trustee may sell, and dispose of the disputed Securities, or such

part

part as shall be necessary under this provision, and apportion the proceeds thereof among the parties entitled to receive the same.

III. Every such Certificate, granted to the Trustee appointed under this Act, shall be taken to supersede and annul any previous Certificate given of a half or any other share in the said personal Estate, so far as concerns the said Securities.

IV. As regards Residents in Foreign States, out of the jurisdiction of British Courts of Justice, a Certificate of Administration to personal Estates granted by the British Representative accredited to that State, or as regards the Residents in any district to which Act XX. of 1841 does not extend, such Certificate granted by the British Officer in that district, holding the highest executive authority, shall have the same effect, as regards public Securities of the East India Company, as a Certificate granted to a native subject of Her Majesty under the provisions of Act XX. of 1841, as amended by this Act.

V. This Act shall be construed with and as part of Act XX. of 1841.

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by W. Palmer.

ACT No. XI. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 26th September 1851, *with the assent of the Most Noble the Governor General of India.*

For the Custody of Registers of Deeds in the Presidency of Bengal.

WHEREAS by Act XXX. 1838, provision was made for the establishment of offices for the Registry of Deeds at any civil stations, under the superintendence of any officer resident at such stations whom Government may nominate for that purpose, and whereas the deposit of such registers among the records of the Dewanny Adawlut, as required by Regulation XXXVI. 1793 of the Bengal Code and other Regulations cited in the said Act is inconvenient, It is enacted as follows:

The Register Books of Offices established under Act XXX. 1838 shall be deposited in the Lower Provinces of the Presidency of Bengal, among the records of the Magistrates or Joint Magistrates, and in the North-Western Provinces of the said Presidency, among the records of the Collectors of the stations where such offices have been, or shall be hereafter established.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XII. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 14th November 1851, with the assent of the Most Noble the Governor General of India.

An Act for securing the Land Revenue of Madras.

WHEREAS it is expedient that the land revenue accruing due to the East India Company at Madras, ~~within the limits of the Town of Madras as defined in Section XII., Regulation II. of 1802, of the Madras Code~~, should be ascertained and collected in as summary a manner as in other parts of the territories under the Government of the East India Company, It is enacted as follows:—

I. All assessable lands not the property of the East India Company, ~~within the limits of the Town of Madras, as defined in Section XII. Regulation II. of 1802, of the Madras Code~~, of which the rate of assessment is not known, or which have not heretofore been assessed, shall be assessed at the rates customarily charged upon lands of a similar description in the neighbourhood, according as they may be situated respectively within or without the walls of Black Town.

II. Lakiraj tenures of land in Madras, of which uninterrupted possession has been held under alleged grants, exempt or partially exempt from assessment for sixty years, shall be valid; no other lakiraj tenures of

of land in Madras shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

III. The Collector of Madras shall determine the rate of assessment to be laid on assessable land under Section I. of this Act, with reference to the rate assessed upon other land of a similar description in the neighbourhood, subject to an appeal to the Board of Revenue, to be made within six months from the notification by the collector of the assessment fixed by him. The decision of the Board of Revenue upon such appeal shall be final.

IV. The Collector may order any assessable land, or land already assessed, or charged with a rent payable to the East India Company, to be measured, for the purpose of determining the amount of assessment to be imposed, or, in the case of land already assessed or charged with a rent, for the purpose of ascertaining whether the actual dimensions, and the dimensions upon which the amount of assessment or rent, was calculated, correspond.

V. Whenever, upon the measurement of any land under the preceding Section, it shall be found that the dimensions upon which the amount of assessment or rent was calculated exceed the actual dimensions, a proportionate abatement shall be made for the excess, on the demand of the party entitled to claim it.

VI. On the other hand, when the actual dimensions exceed the dimensions upon which the amount of assessment or rent was calculated, the excess shall be charged at the same rate as the rest of the land, the possession being left undisturbed. Provided that, when it shall appear that the excess has been caused by the surreptitious usurpation of ground belonging

belonging to another tenure, the act of the Collector in assessing it shall not prejudice the holder of such other tenure in any effort he may make to recover the ground usurped from it. An appeal shall lie to the Board of Revenue against any extra assessment or additional rent charged by the Collector for excess by measurement under this Section, if preferred within six months from the date of the Collector's order. Upon such appeal the decision of the Board of Revenue shall be final.

VII. If any owner of assessed land, or any person holding land subject to a rent payable to the East India Company, shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the land is assessed, or with which it is charged as rent, the Collector may levy the same by distress and sale of the goods and chattels, wherever found, of such owner or lessee; or, after written demand upon the tenant or occupier, and on his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any goods and chattels found upon the land, in the manner appointed for regulating distresses for small rents in Calcutta by Act VII. of 1847, extended to Madras by Section 89, Act IX. of 1850, and for the purpose of any such distress and sale, the Collector shall have all the powers of a Judge of the Court of Small Causes under Section 89, Act IX. of 1850 aforesaid; and the Collector shall have power to appoint any of his Officers to perform the duties of Bailiffs and Appraisers, and of the Chief Clerk of the said Court, as provided by the said Act VII. of 1847, and all the provisions of the said Act relating to the Commissioners for the recovery of small debts and their Court, shall be deemed to apply to the said Collector and his Office in the execution of this Act.

VIII. In the case of payment by any tenant or occupier not holding immediately under the East India Company, or the seizure and sale of his

his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

IX. The claim of the East India Company for land revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

X. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

XI. Arrears of rent or revenue due to the East India Company are recoverable within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable, or his Agent, and not afterwards.

XII. When a claim to hold land lakiraj, or free of assessment, shall be set up under this Act, the Collector shall inquire into the claim; taking such evidence as the claimant may offer, or the public records supply; and shall report his proceedings in the case for the consideration of the Board of Revenue. If the Board of Revenue are satisfied of the validity of the claim, they shall make an order accordingly, and such order shall be final. If they are not satisfied of the validity of the claim, they shall direct the Collector to assess the land, leaving the claimant to contest the Collector's demand in the Civil Courts, as herein provided.

XIII. Any person obstructing or molesting the Collector, or any of his subordinate officers in the execution of their duty, shall, on conviction before a Magistrate of the Town of Madras, be liable to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment

prisonment in the common gaol for a term not exceeding six months, or until the fine is sooner paid.

XIV. The Collector may punish any contempt committed in his presence in open cutcherry or office, by fine not exceeding two hundred rupees, and, in default of payment, by imprisonment in the common gaol for a term not exceeding one month. From every such order of fine or imprisonment an appeal shall lie to the Board of Revenue, whose decision shall be final.

XV. The Collector shall act in the execution of this Act, under the usual control of the superior revenue authorities.

XVI. The ground rents payable to the East India Company from lands in Madras are revenue within the meaning of the Act of Parliament, 21 Geo. III. Cap. 70; and the Supreme Court of Judicature established by Royal Charter at Madras has not any civil jurisdiction concerning the said ground rents, or concerning any thing ordered or done in the assessment or collection thereof.

XVII. All actions concerning any trespass or injury committed by any revenue officer, acting under colour of this Act, or concerning any claim in respect of any goods taken by, or any monies paid to, any revenue officer under this Act, or concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts established by the East India Company, in the Zillah of Chingleput, notwithstanding that the cause of action in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the Town of Madras, and every such

such action shall be brought within six months after the cause of action arose, and not afterwards.

XVIII. The words "Collector" and "Board of Revenue" used in this Act, shall be taken to mean any person or persons lawfully appointed to exercise the powers vested in the Collector and Board of Revenue respectively under this Act.

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XIII. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council, on the 21st November 1851, with the assent of the Most Noble the Governor General of India.

An Act to amend Act No. V. of 1851.

WHEREAS by Section III. of Act No. V. of 1851, it was, among other things, enacted, that the Accountant General of Bengal was authorized and required from time to time, to direct the Sub-Treasurer to pay, and the Sub-Treasurer should thereupon pay out of the monies of the East India Company in his custody, such sums as would be sufficient to pay off and discharge to such persons as should appear to be entitled thereunto as the lawful representatives of the Intestates and others named in the Schedules A. B. C. D. annexed to the Report therein mentioned, the several principal sums of money which, upon the final adjustment of the accounts of their several claims and estates, should appear to have been due to them respectively from Sir Thomas Turton, on the 25th day of February 1848, and to be then still due and unsatisfied: And whereas the Court of Directors of the East India Company, acting in pursuance of the power and authority to them given and reserved by the 44th Section of an Act of Parliament, passed in the 4th year of the reign of his late Majesty King William the Fourth, entituled "an Act for effecting

"an

"an arrangement with the East India Company, and for the better "government of His Majesty's Indian Territories till the 30th day of "April 1854," have signified to the Governor General in Council their disallowance of so much of the said third Section of Act No. V. of 1851, hereinbefore recited, as relates to the payment and discharge to the lawful representatives of the Intestates and others named in the said Schedules B. and D. of the several principal sums of money therein mentioned; It is enacted as follows:

I. So much of the 3rd Section of Act No. V. of 1851, hereinbefore recited, as relates to the payment and discharge to the lawful representatives of the Intestates and others named in the said Schedules B. and D. of the several principal sums of money therein mentioned, is hereby repealed.

Calcutta, 1851.—Printed at the Bengal Military Orphan Press, by F Cubery

ACT No. XIV. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council on the 21st November 1851, with the assent of the Most Noble the Governor General of India.

An Act for consolidating the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore and Malacca.

WHEREAS it is expedient to make better provision for the collection of a Revenue of Excise upon Opium, Chandoo, Toddy and Bang, Arrack and Spirits, and the granting of Excise Licences for the sale of the said Articles by retail within the Settlement of Prince of Wales' Island, Singapore and Malacca, It is enacted as follows:

I. Regulations II., IV., and V. of 1830, passed by the Governor of Prince of Wales' Island, Singapore and Malacca in Council, Regulation IV. of 1831 and Act No. V. of 1839, passed by the President of the Council of India in Council, and Regulation X. of 1833, passed by the Governor General of India in Council, are repealed.

II. The exclusive right of making Chandoo or other preparation of Opium for smoking, and of retailing Chandoo, or Opium in smaller quantities than one chest; and the exclusive right of retailing Spirituous

Liquors and Arrack in less quantities than One Hundred and Sixty Gallons, and of making and distilling Arrack and Spirituous Liquors; and the exclusive right of selling Toddy and Bang within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall be vested, from time to time, in such persons as the Governor, or other Chief Civil Authority of the said Settlement, or such public Officer by him thereto authorized, may license for that purpose, on such conditions as may be determined, either by public or private sale of such exclusive rights.

III. Any person in whom the exclusive right of making Chandoo or other preparation of Opium for smoking, and of retailing Opium in smaller quantities than one chest shall be vested, shall be called the "*Opium Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be;" and the person in whom the exclusive right of retailing Spirituous Liquors and Arrack in less quantities than One Hundred and Sixty Gallons, and of making and distilling Arrack and Spirituous Liquors shall be vested, shall be called the "*Spirit Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be;" and the person in whom the exclusive right of selling Toddy and Bang shall be vested, shall be called the "*Toddy Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be."

IV. The number of Houses or Shops to be severally registered under this Act for the retailing, or smoking of Chandoo or prepared Opium, and for retailing Spirituous Liquors and Arrack, and for the retail of Toddy or Bang, within the said Settlement and places, shall be determined, from time to time, by the Governor or other Chief Civil Authority of the said Settlement, or by such public Officer or Officers as he may authorize for that purpose; and the said Houses or Shops shall, as regards their situation and hours for opening and closing, be subject

to

to such Rules and penalties as the said Governor or other Chief Civil Authority shall, from time to time, make in that behalf.

V. The Superintendent of Police at each of the Stations of Prince of Wales' Island, Singapore, and Malacca, shall grant to the keeper of every such House or Shop a Licence, which shall contain the name of the keeper or keepers, and the situation of the House or Shop, and shall be registered in the Police Office of the Station in which the same shall be granted; for which grant and registration the following Fees shall be paid, that is to say, for an Opium House, Three Dollars; for a Tavern, Five Dollars; for an Eating House or Spirit Shop, Three Dollars; for a Toddy Shop, Two Dollars: and every such Licence may be recalled and cancelled by the Superintendent of Police with the sanction of the Chief Local Authority as occasion shall appear to him to require: and every person who shall open or keep such House or Shop, without having first obtained and registered such Licence, shall forfeit a penalty not exceeding Fifty Dollars.

VI. Every Farmer under this Act, and every keeper of any House or Shop registered under this Act, who shall sell or exchange Opium, prepared or unprepared, Spirituous Liquor or Arrack, Toddy or Bang, otherwise than for the Coin usually current within the said Settlement, shall forfeit a penalty not exceeding Twenty-five Dollars.

VII. Every person within the said Settlement, who shall deliver to any servant or labourer any Opium prepared or unprepared, Spirituous Liquor or Arrack, Toddy or Bang, in consideration of wages or hire due to such servant or labourer, or on any account whatsoever, shall forfeit a penalty not exceeding Fifty Dollars.

VIII. Every

VIII. Every keeper of any House or Shop registered under this Act, who shall allow any person to gamble therein, or in whose House any person shall be found gambling, shall forfeit a penalty not exceeding Twenty-five Dollars.

IX. Every keeper of any House or Shop registered under this Act, who shall knowingly allow any person to be therein, with any kind of Arms or offensive Weapon upon his person, shall forfeit a penalty not exceeding Fifty Dollars.

X. Every person, other than the Opium Farmer of the Station, who shall make Chandoo or any other preparation of Opium for smoking within the said Settlement, or who shall import thereto any Chandoo or Opium prepared elsewhere for smoking, or who shall sell or offer for sale or purchase, or who shall knowingly have or receive into his or her possession any such Chandoo or other preparation of Opium for smoking, shall forfeit, for the first offence, a penalty not exceeding One Hundred Dollars; for the second offence, shall forfeit a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, forfeit a penalty not exceeding Four Hundred Dollars: and all such contraband Chandoo or other preparation of Opium, and the receptacles in which the same is contained, and all vessels and utensils, which have been, or are plainly intended to be used in making Chandoo or any other preparation of Opium, shall be seized and forfeited.

XI. Every person, other than the Opium Farmer, who shall sell or offer for sale, and also every person who shall buy from any person other than the Opium Farmer any quantity of raw Opium less than one chest, save for exportation, shall forfeit, for the first offence, a penalty not exceeding One Hundred Dollars; for the second offence, forfeit a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, forfeit

forfeit a penalty not exceeding Four Hundred Dollars: and all such raw Opium shall be seized and forfeited.

XII. The foregoing provisions of this Act shall not apply to the sale of Opium for Medicinal purposes by recognized Medical Practitioners, Chemists and Druggists.

XIII. Every person who shall import into the said Settlement any raw Opium in less quantity than one chest, or have in his possession, custody or control, any raw Opium in less quantity than one chest, unless for the purpose of being exported, shall forfeit a penalty not exceeding Four Hundred Dollars: and all such raw Opium so imported or found shall be seized and forfeited.

XIV. Every person arriving in any vessel at any of the Ports or Harbours of the said Settlement, who may have on board any Chandoo, or other preparation of Opium, or any raw Opium, in less quantity than one chest, shall, within twenty-four hours after such vessel shall have come to anchor, give notice thereof to the Opium Farmer, and shall apply to the Registrar of Imports and Exports, or his Deputy, for a permit to land or deposit the said Opium, Chandoo, or other preparation of Opium in his Office, and on obtaining such permit shall forthwith land, and so deposit the same, where it shall remain till re-exported, unless the same shall be sold to the Opium Farmer. Any person having on board such Opium, Chandoo, or other preparation of Opium, as above described, and failing to give notice, or otherwise not complying with the provisions of this Section, shall forfeit a penalty not exceeding Two Hundred Dollars, and the Opium, Chandoo or other preparation of Opium shall be seized and forfeited.

XV. Every person, other than the Opium Farmer, who shall export any Opium by land, from the said Settlement, shall forfeit a penalty

not exceeding Four Hundred Dollars: and the Opium and vessels and conveyances in which it is contained, shall be seized and forfeited.

XVI. Every person, who shall be desirous of exporting by Sea, or of selling for exportation by Sea, raw Opium, in any quantity less than one chest, shall deposit a chest containing the customary quantity in the Office of the Registrar of Imports and Exports; and whenever such person shall apply for any portion of such Opium to be delivered to him or to any purchaser thereof for exportation, he shall deliver to the Registrar of Imports and Exports, or his Deputy, a written Bill of Entry in duplicate, expressing the quantity of Opium that is to be exported, and the name of the person who is about to export the same, and of the vessel, and of the master, and of the place to which the same is to be exported, and having also, in case the Opium mentioned therein is to be sold for exportation, the name of the purchaser written on the back thereof; and the said Registrar, or his Deputy, shall thereupon cause the quantity of Opium specified in the Bill of Entry to be taken out of such chest and delivered to the person who is to export the same, and shall deliver to such person one of the copies of such Bill of Entry, signed by the said Registrar or his Deputy, and having the hour upon which the same shall be so delivered marked thereon; and the Bill of Entry so signed shall be the Exporter's Permit to export the said Opium; and such chest shall remain in the custody of the said Registrar or his Deputy, until all the Opium contained therein shall have been exported or sold, when the chest shall be destroyed: and every person, who shall commit a breach of any of the provisions contained in this Section, shall forfeit a penalty not exceeding One Hundred Dollars.

XVII. Every person who shall receive any such Permit as aforesaid, for the exportation by Sea of any quantity of Opium less than one chest, and who shall not, upon receiving the same, forthwith cause such

Opium

Opium to be conveyed to and placed on board of the vessel mentioned in such Permit, shall forfeit a penalty not exceeding Fifty Dollars, and the Opium, and the vessels and conveyances in which it is contained, shall be seized and forfeited.

XVIII. Every person, not thereunto authorized under this Act, who shall make Chandoo or other preparation of Opium for smoking on board of any vessel anchored or being within the limits of the jurisdiction of the Court of Judicature of the said Settlement, or in whose possession any such Chandoo or prepared Opium shall be found on board of such vessel, shall forfeit a penalty not exceeding One Hundred Dollars, and all such Chandoo or prepared Opium so made or found, shall be seized and forfeited.

XIX. Every person, who shall sell or buy or have in his possession save for the purpose of exportation under Section XVI. of this Act, on board any vessel anchored, or being within the limits of the jurisdiction aforesaid, any raw Opium in a less quantity than one chest, shall forfeit a penalty not exceeding One Hundred Dollars: and all such raw Opium so sold or bought, shall be seized and forfeited.

XX. Any Justice of the Peace within the said Settlement, upon the information upon oath of any person, that he has good cause to believe that there is on board of any vessel anchored, or being within the limits of the jurisdiction aforesaid, any contraband Opium or Chandoo or raw Opium, may issue his Warrant, in the form of Schedule (A) to this Act annexed, or to the like effect, authorizing the Opium Farmer, or any Revenue Officer duly appointed under this Act, or any Peace Officer to go on board of such vessel, and to make search for, and to seize such Opium or Chandoo, and to bring the offender or offenders in whose possession, custody or control the said Contraband Opium or Chandoo or

raw

raw Opium shall be found before a Justice of the Peace, to be dealt with according to this Act.

XXI. Every person, other than the Opium Farmer or keeper of a registered Opium Shop, who shall sell Tye-Chandoo or Opium-Dross mixed with Opium, shall, for the first offence, forfeit a penalty not exceeding One Hundred Dollars; for the second offence, shall forfeit a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, shall forfeit a penalty not exceeding Four Hundred Dollars.

XXII. Every keeper of a Registered Opium Shop who shall sell, or have in his possession, any Opium or Chandoo other than such as shall have been bought from the Opium Farmer, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars.

* XXIII. Every person, other than the Spirit Farmer of the Station, who shall import into the said Settlements any Spirituous Liquor or Arrack, shall, before landing such Spirituous Liquor or Arrack, or any part thereof, deliver to the Spirit Farmer, a Bill in which shall be specified the name of the vessel, the quantity and kind of the Liquor, and the place where the same is intended to be stored; and, if such Liquor is intended to be used or consumed in the House of the Importer, he shall, at the same time, pay or secure to the Spirit Farmer, the sum of Fifty Cents for every gallon of such Liquor, or if in bottles, the sum of Fifty Cents for every four quart bottles, and a proportionate rate for any quantity less than one gallon, or less than four quart bottles so to be landed; and the Spirit Farmer shall thereupon in either case, if the application is made between the hours of six in the morning and six in the evening, deliver to such person a written Permit to land the same; and every person who shall land any such Liquor without having first delivered such Bill, and paid or tendered such sum when payable, and also every

Spirit

Spirit Farmer, who shall refuse to give such Permit without good cause shown, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars, and all such Liquor, landed contrary to the provisions of this Section, and the vessels and conveyances in which the same is contained, shall be seized and forfeited.

XXIV. Every person, other than the Spirit Farmer, or a person duly licensed as hereinafter mentioned, who shall sell within the Settlement of Prince of Wales' Island, Singapore and Malacca, otherwise than for exportation, any Spirituous Liquor or Arrack in a less quantity than One Hundred any Sixty Imperial Gallons, or, if sold in bottles, in a less quantity than fifty dozens of quart bottles, without first tendering and paying to the Spirit Farmer a sum of Fifty Cents for every Gallon, or for every four quart bottles of such Spirituous Liquor or Arrack, and a proportionate rate for any quantity less than one Gallon, or less than four quart bottles, shall forfeit a penalty not exceeding One Hundred Dollars and all such Spirituous Liquor or Arrack, and the Vessels in which the same is contained, shall be seized and forfeited.

XXV. Every person, other than the Spirit Farmer, who shall remove or cause to be removed any Spirituous Liquor or Arrack from one House, Shop, Godown or other Building to another, or from the possession of one person to that of another, without having first obtained from the Spirit Farmer a written Permit, hereinafter described, to remove the same, shall forfeit a penalty not exceeding Fifty Dollars: and all such Spirituous Liquor or Arrack so removed, and the Vessels in which the same is contained, shall be seized and forfeited.

XXVI. The Spirit Farmer shall, on the application of any person, (if made between the hours of six in the morning and six in the evening,) grant a written Permit for the removal of any Spirituous Liquor or

Arrack (provided the same be not sold contrary to the provisions of this Act,) which Permit shall describe the quantity and kind of Liquor required to be removed, and the name of the person about to remove the same, and the places from and to which the same is to be removed, and the time during which such Permit is in force: and every Spirit Farmer who shall, without good cause shown, refuse to grant such Permit, shall forfeit a penalty not exceeding One Hundred Dollars.

XXVII. The Spirit Farmer may enter the Warehouse, Godowns or Premises of any person wherein are kept any Spirituous Liquors or Arrack not contained in bottles, and take an account of the quantity of such Liquors, and notice any leakage of the same, and gauge, and otherwise examine the same, at any time between the hours of eight in the morning and five in the evening, upon obtaining a Warrant so to do, under the hand of any Justice of the Peace, which Warrant such Justice is authorized to grant whenever he shall see cause so to do.

XXVIII. The keepers of all Taverns duly registered under this Act may sell to the inmates, customers, or frequenters thereof, Spirituous Liquors, so that the same be drunk within such Taverns; and every keeper of any such registered Tavern who shall sell any Spirituous Liquor otherwise than is herein provided, shall forfeit a penalty not exceeding Fifty Dollars.

XXIX. Every keeper of any Eating House or Spirit Shop registered under this Act, who shall serve, supply or sell to the customers, inmates, or frequenters thereof, any Spirituous Liquor or Arrack, other than such as shall have been bought by him from the Spirit Farmer, shall, for every such offence, forfeit a penalty not exceeding Fifty Dollars.

XXX. Every Spirit Farmer, and also every keeper of a registered Eating House or Spirit Shop, who shall knowingly sell or deliver to any

European

European or Native Soldier any Spirituous Liquor or Arrack, without having an authority in writing so to do from the Commanding Officer of such Soldier, shall, for every such offence, forfeit a penalty not exceeding Fifty Dollars.

XXXI. Every Spirit Farmer, or other person, who shall sell or offer for sale any adulterated Spirits or Spirits distilled from Neepa, shall forfeit for every such offence, a penalty not exceeding Four Hundred Dollars.

XXXII. From the passing of this Act, whoever, being a Manufacturer of Sugar in the said Settlements, shall be desirous of having a Distillery at his Sugar Manufactory, for making, or distilling, or rectifying, or compounding Spirits or Arrack, shall apply in writing to the Superintendent of Police of the Station or place within which such Sugar Manufactory is situated, for a Licence, and in such application shall be inserted the name of the applicant, the situation of his Manufactory, and the number and size of the Stills he is desirous of keeping; and the Superintendent of Police shall grant such Licence, renewable every year under his hand and seal, to the applicant, on payment of a fee of Ten Dollars, and such Licence shall be registered in the Police Office of such Station or place.

XXXIII. No licensed Distiller shall be at liberty to sell to any person other than the Spirit Farmer, or to sell, send out of, or deliver from his Distillery, for exportation, any Spirits or Arrack in a less quantity than One Hundred and Sixty Imperial Gallons, or, if in bottles, in a less quantity than fifty dozens of quart bottles; and every licensed Distiller who shall sell, send out, or deliver from his Distillery, any Spirits or Arrack, (except as aforesaid,) shall, for every such offence, forfeit a penalty

penalty not exceeding One Hundred Dollars: and all such Spirituous Liquors or Arrack, and the vessels in which the same are contained, shall be seized and forfeited.

XXXIV. Every person, other than the Spirit Farmer or a licensed Distiller, who shall make, or distil, or rectify, or compound, any Spirits or Arrack, or shall keep or have in his possession any Still or other Utensil or Apparatus, for distilling, or making, or rectifying, or compounding, Spirits or Arrack, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars: and all such Spirits or Arrack, and every such Still or other Utensil or Apparatus, shall be seized and forfeited, but nothing contained in this or any other Section shall be construed to extend to distillations for medical or scientific purposes.

XXXV. Every person, other than the Spirit Farmer, who shall make or distil Samsoo or Spirits distilled from Rice, in the said Settlements, or who shall keep or have in his possession any Still or other Utensil or Apparatus for distilling or making Samsoo, shall forfeit a penalty not exceeding One Hundred Dollars: and all such Samsoo, and every such Still or other Utensil or Apparatus, shall be seized and forfeited.

XXXVI. No person shall land Samsoo, or Spirits distilled from Rice, in any part of the said Settlements, except for the purpose of selling the same to the Spirit Farmer; and every person who shall land any Samsoo in any part of the said Settlements, except for the purpose of selling the same to the Spirit Farmer, and also every person, who shall sell any Samsoo to any person other than the Spirit Farmer, shall forfeit a penalty not exceeding One Hundred Dollars: and all such Samsoo and the vessels in which the same is contained, shall be seized and forfeited.

XXXVII. All

XXXVII. All Spirituous Liquor or Arrack imported, landed, removed in, or exported from any part of the said Settlements on account of Her Majesty's Government, or the Government of the East India Company, is exempt from the operation of this Act.

XXXVIII. Every Owner, Renter, or Occupier of any land which produces Toddy or Bang, and also every other person, other than the Toddy Farmer and the keepers of the registered Toddy Shops, who shall sell any Toddy or Bang within the said Settlements to any person other than to the Toddy Farmer, shall forfeit a penalty not exceeding One Hundred Dollars, and all such Toddy or Bang, shall be seized and forfeited; but this enactment shall not be deemed to forbid Bakers from using in their Bread Toddy, the produce of their own Estate or Plantation.

XXXIX. Every person, other than the Owners, Renters, or Occupiers of lands which produce Toddy or Bang, who shall have in his possession any Toddy or Bang, unless the same shall be duly proved to have been bought from the Toddy Farmer, or from the keeper of a registered Toddy Shop hereinafter mentioned, shall forfeit a penalty not exceeding Fifty Dollars: and all such Toddy or Bang, and the vessels in which the same is contained, shall be seized and forfeited.

XL. Every keeper of a registered Toddy Shop, who shall sell to any person, or shall have in his possession any Toddy or Bang, unless the same shall be duly proved to have been bought from the Toddy Farmer, shall forfeit a penalty not exceeding Fifty Dollars: and all such Toddy or Bang, and the vessels in which the same is contained, shall be seized and forfeited.

XLI. Every Toddy Farmer and keeper of a registered Toddy Shop who shall knowingly sell or deliver any Toddy or Bang to any European or Native Soldier, without having an authority in writing from the Commanding Officer of such Soldier, shall forfeit a penalty not exceeding Fifty Dollars.

XLII. All Fees received for registering Licences to keep Opium Shops under this Act, shall be paid to the Opium Farmer for the time being: and all Fees received for registering Licences to keep Spirit Shops and Distilleries under this Act, shall be paid to the Spirit Farmer for the time being; and all Fees received for registering Licences to keep Toddy Shops for the sale of Toddy and Bang under this Act, shall be paid to the Toddy Farmer for the time being; and all other Fines, Penalties or forfeitures whatsoever, received under this Act, shall, after the adjudication at the discretion of the Magistrate of a portion of such fines and penalties to the informer, be paid into the Municipal Fund, established under Act No. IX. of 1848, or that may be established by any future Act, of the station at which such Fines, Penalties or Forfeitures shall be imposed, to be applied to the general purposes of the said Act.

XLIII. Any Justice of the Peace within the said Settlement may, by his Warrant, in the form of Schedule B. to this Act annexed, or to the like effect, directed to any Peace Officer or Officers within the said Settlement, or to any Revenue Officer or Officers appointed in manner hereinafter mentioned, empower him or them by day or by night (but if between the hours of six o'clock at night and six in the following morning, then such Warrant to be addressed to and executed by, or in the presence of a Peace Officer) to enter and search any Dwelling-house, Shop, or other Building, in any case in which there shall appear to such

Justice

Justice of the Peace, upon the oath of any party, good and sufficient cause to believe that in any such Dwelling-house, Shop, or other Building is concealed or deposited any article subject to forfeiture under this Act, and to seize and take possession of any such article found to be concealed or deposited therein: and to arrest and take any person, or persons, being in such Dwelling-house, Shop or Building, in whose possession, custody or control any such article may be found, or whom the said Officer, or Officers may have good and sufficient reason to suspect had concealed or deposited therein any such article, and any Officer to whom such Warrant shall be directed may, in case of resistance, break open any door of such Dwelling-house, Shop or other Building, and remove by force any other obstruction to such entry, search, seizure and removal as aforesaid.

XLIV. If any person shall be found committing any act in breach of this Act, or if any Peace or Revenue Officer shall have probable cause to believe that any person has concealed upon his person any article subject to forfeiture under this Act, such Peace or Revenue Officer may immediately arrest such person without a Warrant, and shall thereupon immediately take such person before some neighbouring Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and such Justice may direct such person to be immediately searched: and every person who shall obstruct any such Officer in making any such arrest as aforesaid, and also every Officer who shall not immediately take any person so arrested before a Justice of the Peace, shall forfeit a penalty not exceeding Fifty Dollars.

XLV. Every Peace or Revenue Officer who shall maliciously and without reasonable grounds arrest or detain any person on the plea that such

such person hath infringed any of the provisions of this Act, shall forfeit a penalty not exceeding Fifty Dollars.

XLVI. No Revenue Officer shall be competent to act under the provisions of this Act, unless he shall be appointed specially so to do in writing by the Governor or other Chief Civil Authority of the Station in which such Revenue Officer is required to act, which authority shall be duly registered at the Police Office of such Station, and shall be liable to be annulled at the pleasure of the said Governor or other Chief Civil Authority.

XLVII. Any Farmer named in this Act who shall either by himself, or by the means of any other person, take from any person who may have committed, or be suspected of having committed a breach of any of the provisions of this Act, any sum of money, or any goods or chattels whatsoever, as a compromise, reward or payment for not prosecuting such person for such offence under this Act, shall forfeit a penalty not exceeding Two Hundred Dollars, a moiety of which may, at the discretion of the Magistrate, be adjudged to the informer.

XLVIII. All penalties under this Act may be imposed on conviction of the offence by confession of the offender, or by the oath of one or more witnesses before two Justices of the Peace, and in case of non-payment of any Penalty imposed or forfeited under this Act, the convicting Justices may issue their Warrant of Distress in the form of Schedule C. to this Act annexed, or to the like effect, under their hands and seals, directed to any Peace Officer or Officers to levy the amount of such Penalty by seizure and sale of any Goods of the offender which may be found within the jurisdiction of such Justices; and if no such property shall be found within such jurisdiction, then the aforesaid

Justices,

Justices, by Warrant under their hands and seals, in the form of Schedule D. to this Act annexed, or to the like effect, may commit the offender to prison, with or without hard labour, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars can be imposed, and in the same proportion for any greater penalty which can be imposed. Provided always that in case it shall appear to such Justices by the confession of the offender, or in any other manner, that he has no goods whereon to levy such distress, then and in every such case it shall be lawful for such Justices, if they shall deem it fit, instead of issuing such Warrant of Distress, by Warrant under their hands and seals in the form of Schedule E. to this Act annexed, or to the like effect, to commit the offender to prison, with or without hard labor, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars can be imposed, and in the same proportion for any greater penalty which can be imposed. Provided always that in no case shall the term of imprisonment exceed two years.

XLIX. All convictions under this Act may be in the form of Schedule F. to this Act annexed, or to the like effect, and no conviction shall be quashed or set aside for want of form, or be removed by Certiorari or otherwise into Her Majesty's Superior Court of Record, and no conviction shall be quashed or set aside except for error of law apparent upon the face of such conviction, and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction as aforesaid to sustain the same.

L. In all Sections of this Act in which the Stations of Prince of Wales' Island, Singapore or Malacca, or any or either of them are

 inserted,

inserted, all places attached to, or dependent on the said Stations respectively shall be taken to be included.

LI. This Act shall commence and take effect from and after the 1st day of May 1852.

SCHEDULE A.

Form of Search Warrant under Section XX.

Prince of Wales' Island. To the Opium Farmer or any Revenue Officer duly appointed under the Act XIV. of 1851, or any Peace Officer.

Whereas it appears to me *A. B.*, one of Her Majesty's Justices of the Peace for the said *Settlement*, by the information on Oath of *C. D.* of that he hath good cause to believe and doth believe that there is on board the Vessel *Inconstant* anchored, or being within the limits of the jurisdiction of this *Settlement*, *Contraband Opium*, *Chandoo or Opium*. These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper Assistants, to go on board and enter in the day time into the said Vessel, and there diligently to search for the said *Contraband Opium*, *Chandoo or raw Opium*, and if the same shall be found upon such search, that you bring the said *Contraband Opium*, *Chandoo or raw Opium* and also the body or bodies of the offender or offenders, in whose possession, custody or control the said *Contraband Opium*, *Chandoo or raw Opium* shall be found, before me or some other Justice of our said Lady the Queen, assigned to keep the peace in this *Settlement* to be disposed of and dealt with according to law. Given under my hand and seal, at *Prince of Wales' Island*, the 1*st* day of *June* in the year 1852.

(Sd.) *A. B.*

Justice of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the blank space therein, with the description of the informant.)

SCHEDULE B.

Form of Search Warrant under Section XLIII.

Prince of Wales' Island. To the Peace Officer or Officers within this Settlement, or to the Revenue Officer or Officers appointed according to the provisions of XLVI. Section of Act XIV. of 1851.

Whereas

Whereas it appears to me *A. B.*, one of Her Majesty's Justices of the Peace for the said *Settlement*, by the information on Oath of *C. D.* of that he has good cause to believe and doth believe that Articles, subject to forfeiture under the provisions of Act XIV. of 1851 are concealed or deposited in the *Dwelling House, Shop or other Building* of *E. F.* of in the said *Settlement*. These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper assistants, to enter in the day time into the said *Dwelling House, Shop or other Building* of the said *E. F.*, and there diligently to search for the said articles, and also to authorize and require you, if a Peace Officer, and if not, in the presence of a Peace Officer to enter in the night time (that is to say, at any time between the hours of 6 o'Clock in the evening and 6 in the following morning) into the said *Dwelling House, Shop or other Building* of the said *E. F.*, and there diligently to search for the said articles, and if the same shall be found upon such search, that you seize and take possession of the said articles so found, and also the body or bodies of any person or persons being in the said *Dwelling House, Shop or other Building*, in whose possession custody or control any such articles may be found, or whom you may have good and sufficient reason to suspect had concealed or deposited therein any such article, before me the said *A. B.* or some other of the Justices of our said Lady the Queen assigned to keep the peace in the Settlement aforesaid, to be disposed of and dealt with according to law. Given under my hand and seal, at *Prince of Wales' Island*, the 1*st* day of *June* in the year 1852.

(Sd.) *A. B.*,
Justice of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the first blank space therein with the description of the informant and the second blank space therein with the description of the party whose house, shop or building is to be searched).

SCHEDULE C.

Form of Distress Warrant.

Prince of Wales' Island.

To the Peace Officers, or to any Peace Officer of the said *Settlement.*

Whereas *A. B.* of has been on the 1*st* day of *June* 1852, duly convicted before us, *C. D.* and *E. F.*, two of Her Majesty's Justices of the Peace for the said

said *Settlement* of the offence of against the form of the Act XIV. of 1851 in that case made and provided, and was thereupon adjudged by us that he the said *A. B.* had forfeited the sum of Dollars for the offence aforesaid, and whereas the said *A. B.* being required to pay the said sum hath not paid the same, but therein has made default. These are to command you to distrain the Goods and Chattels of the said *A. B.*, which may be found within this *Settlement*, to the amount of the said sum and such further sum as may be sufficient to defray the charges of making such distress, and if within five days next after such distress the said sum, together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said Goods and Chattels, and having paid out of the money arising by such sale the said sum of Dollars to us to be applied according to the provisions of the said Act XIV. of 1851, and having deducted the necessary charges of taking, keeping and selling the said distress, to return the overplus, if any, on demand to the person whom you shall find in possession of the said Goods and Chattels, and if no such distress can be made that then you Certify the same unto us to the end that such further proceedings may be had thereon as to the law doth appertain. Given under our hands and seals, this *2nd* day of *June* 1852.

C. D.,
E. F.,
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the first blank space therein with the description of the party convicted, the second blank space therein with a Statement of the offence committed, and the third and fourth blank spaces therein with the amount of Dollars forfeited.)

SCHEDULE D.

Form of Commitment.

Prince of Wales' Island.

To the Peace Officers, or any Peace Officer and the Keeper of the Prison of the said *Settlement*.

Whereas *A. B.* of was, on the 1*st* day of *June* 1852, duly convicted before us *C. D.* and *E. F.* two of the Justices of the Peace for the said *Settlement* of the offence of against the form of Act XIV. of 1851 in that case made and provided, and was thereupon adjudged by us that he the said *A. B.* had forfeited

forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour*. And whereas we have issued a Distress Warrant to levy the amount of the said sum by seizure and sale of the Goods and Chattels of the said *A. B.* within our jurisdiction, and no Goods and Chattels of the said *A. B.* have been found within such jurisdiction, and the said *A. B.* had not yet paid the said sum, but therein had made default. These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A. B.* and him safely to convey to the prison of the said *Settlement*, and there to deliver him to the said Keeper thereof together with this precept. And we do hereby command you, the said Keeper of the said Prison, to receive the said *A. B.* into the said Prison there, to imprison him *with hard labour* for the space of Given under our hands and seals, at *Prince of Wales' Island*, this *3rd* day of *June* 1852.

C. D.,
E. F.,
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, are to be filled in according as the case may be, and the first blank space therein with the description of the party committed, the second blank space therein with a Statement of the offence, and the third blank space therein with the amount of Dollars forfeited, and the fourth blank space therein with the period of imprisonment.)

SCHEDULE E.

Form of Commitment when it appears that the offender has no Goods whereon to levy a distress.

Prince of Wales' Island. To the Peace Officers, or any Peace Officer and the Keeper of the Prison of the said *Settlement.*

Whereas *A. B.* of was on the 1*st* day of *June* 1852, duly convicted before us *C. D.* and *E. F.* two of Her Majesty's Justices of the Peace for the said *Settlement* of the offence of against the form of Act XIV. of 1851 in that case made and provided, and was thereupon adjudged by us that he the said *A. B.* had forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour*, and whereas the said *A. B.* hath not paid the said sum, but therein hath made default, and it appears to us that the said *A. B.* has no Goods or Chattels whereon to

levy a distress. These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A. B.* and him safely to convey to the Prison of the said *Settlement*, and there to deliver him to the said Keeper thereof together with this precept, and we do hereby command you, the said Keeper of the said Prison, to receive the said *A. B.* into the said Prison, there to imprison him *with hard labour* for the space of

Given under our hands and seals, at *Prince of Wales' Island*, on the said 1*st* day of *June* 1852.

C. D.,
E. F.,
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, are to be filled in according as the case may be, and the first blank space therein with the description of the party committed, the second blank space therein with a statement of the offence committed, the third blank space therein with the amount of Dollars forfeited, and the fourth and fifth blank spaces therein with the period of imprisonment.)

SCHEDULE F.

Form of Conviction.

Be it remembered that, on the 1*st* day of *June* in the year 1852, *A. B.* is found guilty before us *C. D.* and *E. F.*, two of the Justices of the Peace for the said *Settlement*, of the offence of

Prince of Wales' Island, to wit.

against the form of the Act XIV. of 1851 in that case made and provided, and we do hereby convict him of the offence aforesaid, and do adjudge that he the said *A. B.* hath forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour*. Given under our hands and seals, at *Prince of Wales' Island*, the day and year first mentioned.

C. D.,
E. F.,
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled in according as the case may be, and the first blank space therein with a Statement of the offence, the second blank space therein with the amount of Dollars forfeited, and the third blank space therein with the period of imprisonment.)

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

BENGAL SECRETARIAT
LIBRARY

ACT No. XV. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council, on the 21*st November* 1851, *with the assent of the Most Noble the Governor General of India.*

An Act for the better suppression of frauds in respect of Cotton in Bombay.

For the better suppression of fraudulent practices in the Cotton Trade in Bombay, It is enacted as follows:

I. Any person who, in the Islands of Bombay or Colaba, shall fraudulently mix Cotton of a good and bad description or quality in one bale, usually termed false packing, shall be deemed guilty of a misdemeanour.

II. Any person who, in the Islands of Bombay or Colaba, shall fraudulently deteriorate Cotton by exposing it by night to heavy dews, or by putting with it uncleaned Cotton, commonly called Kuppas, or by means of dirt, stones, earth, water, or any other substance, or liquid, or who shall in any other way fraudulently deteriorate it with the view of making it heavier, and packing it in that state, shall be deemed guilty of a misdemeanour.

III. Any

III. Any person who, in the Islands of Bombay or Colaba, shall fraudulently sell or offer for sale under false sample, or otherwise, any Cotton mixed, or adulterated, as in the first and second Sections of this Act mentioned, shall be deemed guilty of a misdemeanour.

IV. Any person who, in the Islands of Bombay or Colaba, shall knowingly and wilfully have in his possession any such mixed or adulterated Cotton as aforesaid, with a view to any fraudulent sale or disposition thereof, shall be deemed guilty of a misdemeanour.

V. Any person committing a misdemeanour against this Act shall be tried summarily for the same before the Court of Petty Sessions at Bombay, and on conviction shall be liable to a fine not exceeding Rupees One Thousand, or imprisonment, with or without hard labour, not exceeding twelve months, and at the discretion of such Court to both fine and imprisonment: Provided always, that it shall be lawful for the Chairman of the said Court to commit, or hold to bail, any person charged with any misdemeanour under this Act to take his trial in the Supreme Court.

VI. All Cotton in the Islands of Bombay or Colaba, which shall be fraudulently mixed, as mentioned in the first Section of this Act, or which shall be fraudulently deteriorated as mentioned in the second Section of this Act, shall be liable to confiscation.

VII. The said Court of Petty Sessions, upon credible information on oath of any Cotton liable to confiscation under this Act being in Bombay or Colaba, may order the seizure thereof, and the Chairman of such Court may issue a warrant for searching for, and seizing the same, and upon the same being proved to the satisfaction of the said Court

Court to be liable to confiscation, may order the confiscation thereof, whereupon the same shall be confiscated, and the said Court of Petty Sessions shall cause an intimation of every such confiscation to be forthwith given to the Collector of Customs at Bombay, who shall forthwith cause a valuation of the confiscated Cotton to be made, and furnish the same to the said Court of Petty Sessions, who shall thereupon make over the confiscated Cotton, with the valuation thereof, to the Bombay Government, and the said Government shall keep the said confiscated Cotton, and shall from time to time export the same to Europe, to be there disposed of as adulterated or deteriorated Cotton.

VIII. All fines, levied and recovered under this Act, shall be paid into the General Treasury at Bombay.

IX. The said Court of Petty Sessions as to any fine paid to such Court, or Cotton confiscated by its order under this Act, and the Supreme Court as to any fine on conviction in such Court, respectively, may award the whole or any part of the fines recovered, and any portion of the valuation by the said Collector of Customs of confiscated Cotton, not exceeding two-thirds of the amount of such valuation, to be paid to the informer or informers, whose information shall have led to the conviction of the offender, or confiscation of the Cotton respectively, and may grant such informer or informers an order on the General Treasury at Bombay for the amount so awarded.

X. Nothing in this Act shall affect the Civil rights of any parties defrauded by any offender against this Act, but they may sue for the same as if this Act had not been passed.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XVI. OF 1851.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th December 1851, with the assent of the Most Noble the Governor General of India.

An Act for the trial of Receivers of Stolen Property.

FOR the trial of Receivers of Stolen Property where the principal is tried, or where the Property is found in their possession, or where the receiving takes place, It is enacted as follows :—

I. Every person who receives any Chattel, Money, Valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried, and punished in any place in which he shall have, or shall have had, any such Property in his possession, or in any place in which the party guilty of the principal felony or misdemeanor may by law be tried, or in the place where he actually received such Property.

Calcutta, 1851 :—Printed at the Bengal Military Orphan Press, by F. Carbery

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA.

For 1851.

A.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Abkarree. (See Excise.)				
Act XXIV. of 1845—Section V. modified.	I.			
„ XXIX. of 1838, made applicable to cases of unlawful manufacture of Salt.	III.	I.	.....	Bengal, Behar and Orissia.
„ XXIX. of 1838, Section II. to X., made applicable to the receipt of information, and the manner of search and seizure of illicit Salt, and Section XXIII. to the penalty for false and malicious information.	III.	I.	.....	Ditto ditto.
„ XXIX. of 1838—Section XIV. modified.	III.	II.		
„ XV. of 1843, extended to the Presidency of Bombay.	IV.	Preamble.		
„ XIV. of 1835, part of, repealed. ...	IV.	I.		
„ II. of 1837 and „ VIII. of 1838, } repealed.	VIII.	I.		
„ XX. of 1841, amended and extended.	X.		.....	General.
„ V. 1851—part of Section III. of, repealed.	XIII.			
„ V. of 1839, repealed.	XIV.			

Administration

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1851.			
Administration.—Zillah Judges may grant to a trustee certificates of—of estates of deceased persons so far as they concern public securities of the East India Company, in cases of disputed claims of the representatives of the deceased, and the trustee may receive the interest of the securities, and pay the same to the persons named in the certificate according to their respective shares.	X.	I.	.....	General.
„ If the disputes of the claimants are not ended within two years, the trustee may apportion the principal sum of the securities rateably among the parties, and the same how to be effected.	X.	II.		
„ Every certificate granted shall supersede any previous certificate of a half or any other share in the said personal estate.....	X.	III.		
„ Provision made for the grant of certificates as regards residents in Foreign States or in districts to which Act XX. of 1841 does not extend.	X.	IV.		
„ This Act shall be construed as part of Act XX. of 1841.	X.	V.		
„ of Estates.—Relief of sufferers by the insolvency of Sir Thomas Turton, while he stood appointed to the—as Ecclesiastical Registrar. (See Turton.)				
Appeals in either of the Sudder Courts may be heard by three sitting Judges, though one of them may have passed the decision in the Lower Court appealed from.	II.	I.	.....	Bengal and N. W. Provinces.
Assessment. (See Foras Land.)				
Assistant Magistrate may be appointed as Judicial or Police Officer, or both, and shall exercise what powers in the two capacities, respectively.	IV.	IV.		

B.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Bridges—public. (See Tolls.)				
C.				
Company's Paper belonging to Estates of deceased persons. (See Administration.)				
Cotton—False packing of—shall be a misdemeanor.	XV.	I.	.....	Bombay and Colaba.
„ Deterioration of—for making it heavier—the same.	XV.	II.		
„ Sale of mixed or adulterated—under false sample—the same.	XV.	III.		
„ Possession of mixed or adulterated Cotton for fraudulent sale—the same.....	XV.	IV.		
„ Persons committing a misdemeanor against this Act, where to be tried, and how punished on conviction....	XV.	V.		
„ All adulterated—shall be liable to confiscation.	XV.	VI.		
„ Court of Petty Sessions upon information may order the seizure of—liable to confiscation, and on proof confiscate the same. After confiscation, goods how to be disposed of.	XV.	VII.		
„ Fines to be paid into the General Treasury.	XV.	VIII.		
„ Fines and portions of the valuation of the confiscated—may be awarded to informers.	XV.	IX.		
„ The civil right of parties defrauded by any offender not affected by this Act.	XV.	X.		
D.				
Decrees in original or appeal cases shall on application be executed by the Court in which the original decree was passed.	VII.	II.	.....	Bombay.
Deeds—Registers of. (See Registers.)				
Deputy Magistrates—Uncovenanted. (See Uncovenanted Deputy Magistrates.)				

E.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Estates—Relief of sufferers having claims against—administered by Sir Thomas Turton, Bt., late Ecclesiastical Registrar of the Supreme Court, by whose insolvency deficiency was caused therein..... (See Turton.)	V.	.....	.....	Calcutta.
„ Administration of—of deceased persons so far as it concerns public securities in cases of disputed claims. (See Administration.)				
„ of Intestates—Act V. of 1851 for the relief of sufferers by the insolvency of Sir Thomas Turton, Bt., while engaged in the administration of—modified. (See Turton.)				
Excise Revenue.—The right of making and retailing preparations of Opium, of retailing Opium, Spirituous Liquors and Arrack, and of making and distilling the same, also of selling Toddy and Bang, vested in persons licensed for that purpose....	XIV.	II.	.....	Straits' Settlements.
„ Persons vested with the above rights, how to be designated.	XIV.	III.		
„ The number of Registered Houses or Shops for retailing Spirituous Liquors and Drugs, how to be determined, and shall be under what rules.	XIV.	IV.		
„ Licence by whom to be granted, and the same shall contain what particulars. What Fees to be paid for its grant and registration. Penalty for opening Houses and Shops without Licence.	XIV.	V.		
„ Penalty for selling or exchanging Opium, Spirituous Liquors, &c., otherwise than for the coin usually current.....	XIV.	VI.		
„ Penalty for delivering the same to Servants or Laborers for wages or hire.	XIV.	VII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Excise Revenue.—Penalty for Gambling or allowing to gamble in the Houses or Shops.	XIV.	VIII.		
„ Penalty for allowing Armed persons to be within the Houses or Shops.	XIV.	IX.		
„ Penalty for persons other than the Opium Farmer making preparations of Opium, dealing therein, and for importing into the Settlement any such preparations made elsewhere, and for persons receiving the same for smoking.	XIV.	X.		
„ Penalty for persons other than the Opium Farmer, buying or selling any quantity of raw Opium less than one chest, save for Export....	XIV.	XI.		
„ The above provisions not to affect Sale of Opium by Medical Practitioners, Chemists, or Druggists. ...	XIV.	XII.		
„ Penalty for importing or keeping in possession any quantity of raw Opium less than one chest, except for export.	XIV.	XIII.		
„ Persons arriving at any port with any preparations of Opium or Opium less than one chest, how to act previous to the re-export of the same. Penalty for non-compliance with these provisions.....	XIV.	XIV.		
„ Penalty for persons other than the Opium Farmer exporting any Opium by land.	XIV.	XV.		
„ Rule to be observed for exporting by sea any quantity of Opium less than one chest. Penalty for non-observance of this rule.	XIV.	XVI.		
„ Penalty for not exporting such Opium forthwith.	XIV.	XVII.		
„ Penalty for unauthorized persons making preparations of Opium on board of vessels within the jurisdiction of the Court of Judicature, or in whose possession any such preparations may be found.....	XIV.	XVIII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Excise Revenue.—Penalty for persons having in possession or dealing in Opium less than one chest on board of vessels within the said jurisdiction, save for exportation.....	XIV.	XIX.		
„ Persons having on board of Vessels within the said jurisdiction any contraband Opium or Chandoo, or raw Opium, how to be dealt with.	XIV.	XX.		
„ Penalty for unauthorized persons selling Tye-Chandoo or Opium-Dross, mixed with Opium.	XIV.	XXI.		
„ Penalty for keepers of Registered Shops selling or keeping any Opium or Chandoo other than what has been bought of the Opium Farmer.	XIV.	XXII.		
„ Rule for the import into the Settlement of Spirituous Liquors or Arrack, and penalty for the non-observance of this rule.	XIV.	XXIII.		
„ Penalty for unauthorized persons selling within the Straits' Settlement, except for export, any Spirituous Liquor or Arrack in a less quantity than what is mentioned, without first paying the regulated duty.	XIV.	XXIV.		
„ Penalty for persons other than the Spirit Farmer removing any Liquor or Arrack without first obtaining a permit for that purpose....	XIV.	XXV.		
„ The Spirit Farmer shall grant a permit for the removal of Liquor or Arrack with certain particulars therein mentioned. Penalty for not granting such permit without sufficient cause.	XIV.	XXVI.		
„ The Spirit Farmer may, under Warrant from a Justice of the Peace, enter any Warehouse and examine any Spirituous Liquors or Arrack kept there.	XIV.	XXVII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Excise Revenue.—Penalty for keepers of Registered Taverns selling Spirituous Liquors to other than the inmates thereof.	XIV.	XXVIII.		
„ Penalty for keepers of Eating Houses or Spirit Shops, selling any Liquor other than what shall have been purchased from the Spirit Farmer.	XIV.	XXIX.		
„ Penalty for the Spirit Farmer and keepers of Eating Houses or Shops selling any Liquor or Arrack to any Soldier without authority from the Commanding Officer.....	XIV.	XXX.		
„ Penalty for selling any adulterated Spirits or Spirits distilled from Neepa.	XIV.	XXXI.		
„ Manufacturers of Sugar in having distillery for making or distilling Spirits or Arrack, shall obtain a Licence for that purpose.	XIV.	XXXII.		
„ Penalty for licensed distillers selling to other than the Spirit Farmer or selling for exportation any Spirits or Arrack in less than a limited quantity.	XIV.	XXXIII.		
„ Penalty for unauthorized persons making or distilling any Spirits or Arrack, and for keeping in possession any utensils for that purpose.	XIV.	XXXIV.		
„ Penalty for unauthorized persons making or distilling Samsoo, or Spirits distilled from Rice, or keeping utensils for that purpose.	XIV.	XXXV.		
„ Penalty for landing Samsoo, except for selling to the Spirit Farmer, and for selling the same to any other person.....	XIV.	XXXVI.		
„ Spirits or Liquors imported or exported on account of Her Majesty's or the East India Company's Government exempted from the operation of this Act.	XIV.	XXXVII.		
„ Penalty for Owners, Renters, or Occupiers of land producing Toddy				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
or Bang, and other unauthorized persons selling Toddy or Bang to persons other than the Toddy Farmer. Bakers permitted to use Toddy in their Bread.	XIV.	XXXVIII.		
Excise Revenue.—Penalty for persons other than Owners, Renters or Occupants of land producing Toddy or Bang, having Toddy or Bang in their possession unless bought of the Toddy Farmer or keeper of a Toddy Shop.	XIV.	XXXIX.		
„ Penalty for Registered Toddy Shopkeepers selling or having in possession any other Toddy or Bang than what has been bought from the Toddy Farmer.	XIV.	XL.		
„ Penalty for Toddy Farmers and keepers of Toddy Shops, selling any Toddy or Bang to any Soldier without authority from the Commanding Officer.	XIV.	XLI.		
„ Fees for Licences and fines levied under this Act, how to be appropriated.	XIV.	XLII.		
„ Searches how to be made for seizing articles liable to forfeiture, which may be deposited or concealed in premises.	XIV.	XLIII.		
„ Persons suspected of having any article concealed upon them, how to be searched.	XIV.	XLIV.		
„ Penalty for illegal arrest of persons by Peace or Revenue Officers.....	XIV.	XLV.		
„ Revenue Officers competent to act under this Act, by whom to be appointed.	XIV.	XLVI.		
„ Penalty for Farmers receiving any money or goods for not prosecuting persons for offences under this Act.	XIV.	XLVII		
„ Penalties under this Act how to be imposed and levied.	XIV.	XLVIII.		
„ Convictions not voidable for want of form, or removeable by certiorari				

into

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
into Her Majesty's Court, or to be set aside except for error of Law, and no warrant or commitment shall be void by reason of any defect.	XIV.	XLIX.		
Excise Revenue.—Interpretation of the localities mentioned in this Act. ...	XIV.	L.		
„ Act when to take effect.	XIV.	LI.		
„ Schedule A and B. Forms of Search Warrant.	XIV.			
„ C. Form of Distress Warrant.	XIV.			
„ D. Form of Commitment.	XIV.			
„ E. Form of Commitment, when the offender has no goods.	XIV.			
„ F. Form of Conviction....	XIV.			
Execution of Decrees. (See Decrees.)				
F.				
Fines levied under Act XXIV. of 1845, made applicable towards defraying the expenses of Marine Courts held under that Act.	I.			
Foras Land.—Right of the East India Company to the freehold reversion of—abandoned in favor of the rent-payers to the Company.	VI.	I.	.....	General.
„ Lands comprised in Plan No. 2, deposited in the Government Secretary's Office, vested in the Company for public purposes.	VI.	Preamble.	.....	Bombay.
„ Rents now payable on account of lands mentioned in Plan No. 1, shall continue to be paid.	VI.	I.		
„ As between rent-payers and other persons, the extinguishment of the right of the Company shall enure for whose benefit.....	VI.	II.		
„ Such Lands not exempted from any future general Taxes or from the operation of Acts XXVIII. 1839, and XVII. 1850.	VI.	III. IV.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1851.			
Foras Land.—Commissioners not exceeding five in number shall be appointed for the purposes of this Act. ...	VI.	V.		
„ A Duplicate of the plans above referred to shall be lodged with the Commissioners.....	VI.	VI		
„ The Commissioners shall frame an Estimate of the value of Land in Plan No. 2, and the improvement therein, and of the expenses to be incurred, and they shall assess the amount of such Estimate upon the Lands mentioned in Plan No. 1. The fund raised by such assessment shall be denominated "Foras Land Assessment Fund.".....	VI.	VII.		
„ Penalty for neglect of persons to appear before the Commissioners when summoned as Witnesses. ...	VI.	VIII.		
„ The said Estimate and Assessment shall form a record of their office.	VI.	IX.		
„ Holders of Lands in Plan No. 2, taken for public purposes, shall be paid under certificates to be granted by the Commissioners.	VI.	X.		
„ The rent-payers of 1st July 1851, or their representatives, shall be the first holders of the certificates.	VI.	XI.		
„ Certificates to be delivered to persons entitled thereto. What course to be taken in doubtful cases.....	VI.	XII.		
„ Persons having better claim to the certificates may recover them in the Supreme Court from the holders thereof.	VI.	XIII.		
„ After completion of assessment the Commissioners shall collect the assessments.	VI.	XIV.		
„ Commissioners may employ Surveyors, Accountants, and Clerks, and incur necessary charges from the Fund	VI.	XV		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851			
Foras Land.—Commissioners may receive any portion of the assessment from any person, but their receipt not to affect the title to any lands, and they shall redeem the certificates when the Fund shall be adequate for that purpose.	VI	XVI.		
„ Surplus proceeds of land or goods sold for satisfaction of assessments to be paid over to persons entitled to the same, and what course to be taken in cases of doubtful right.	VI.	XVII.		
„ Commissioners not liable to persons having better claim to the amount paid by them; the same may be recovered from the party who received it.....	VI.	XVIII.		
„ Certificates transferable by endorsement.	VI.	XIX.		
„ Commissioners may grant warrant to any person to take and deliver to Government Officers any lands mentioned in Plan No. 2.	VI.	XX.		
„ Commissioners may alter Plan No. 2, and make corresponding alterations in Plan No. 1.	VI.	XXI.		
„ Commissioners not liable to action at Law for acts done under this Act.	VI.	XXII.		
„ On the close of the Commission its records shall be a record of Government.	VI.	XXIII.		
„ In cases of unappropriated balance or insufficiency of the Fund, the same to be paid to or received from the Municipal Fund at Bombay. ..... Schedules.	VI	XXIV.		
G				
Gambling.—Penalty for keeping places for the purpose of.	IX.	II.	.....	Town of Bombay.
„ What circumstances will constitute a common gaming house in doubtful cases.	IX.	III.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Gambling.—Penalty for persons playing or being present in common gaming houses, and for persons found gaming in any street, public place, or thoroughfare.	IX.	IV.		
„ Magistrates may authorize constables to enter any common gaming houses and seize all monies, gaming instruments, and persons found there.	IX.	V.		
„ Finding of gaming instruments in common gaming houses suspected to be so, or about the persons of men found therein, shall be evidence that such are gaming houses, and that the men found there were present for gaming, though not actually engaged in it.	IX.	VI.		
„ Gaming instruments, securities of money and other articles seized in gaming houses, how to be dealt with on conviction of the parties concerned in gaming.	IX.	VII.		
„ Police Officers may arrest persons engaged in gaming in any street or public place without warrant, and seize all gaming instruments found there.	IX.	VIII.		
„ To convict persons concerned in gaming, proof not necessary that it was for money, wager or stake. ...	IX.	IX.		
„ Persons concerned in any unlawful gaming, and making discoveries as witnesses, shall be freed from all prosecutions under this Act.	IX.	X.		
„ This Act not applicable to any game of mere skill played at any licensed Hotels, Taverns, or any place of public resort.	IX.	XI.		
„ Persons winning at any game by fraud or unlawful device shall be guilty of obtaining money or valuables by false pretence, and on conviction punished accordingly....	IX.	XII		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Gambling.—Proceedings before the Court of Petty Sessions not voidable for want of form, or removable by *Certiorari* into the Supreme Court.....	IX.	XIII.		
„ Fines under this Act how recoverable.	IX.	XIV.		
„ Portions of the fines and of the monies, or proceeds of articles seized, may be paid to informers, and the balance how to be applied.....	IX.	XV.		
L				
Land. (See Foras.)				
Lands within the Town of Madras, not heretofore assessed, how to be assessed hereafter.	XII.	I.	.....	Madras.
„ Lakeraj Tenures of what descriptions shall be considered valid. ...	XII.	II.		
„ Rate of assessment how determinable.	XII.	III.		
„ Collector may order any assessable or assessed land to be measured.	XII.	IV.		
„ Corresponding abatement of rent to be made in case of excess of the actual dimensions.	XII.	V.		
„ In case of actual dimensions exceeding those upon which the rent was calculated, the excess shall be charged like the rent of the land.	XII.	VI.		
„ Non-payment of assessments how to be enforced.	XII.	VII.		
„ Under-tenants paying rents for their landlords, how to recover the same.	XII.	VIII.		
„ The Company shall have a priority of claim upon the land, and the property distrained upon it.	XII.	IX.		
„ Lodging the amount of claim with the Collector alone shall bar the process of distraint and sale in case of dispute.	XII.	X.		
„ Recovery of arrears of rent limited to six years.	XII.	XI.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1851.			
Lands.—Claim to hold land free of assessment, how to be disposed of.	XII.	XII.		
„ Penalty for obstructing the Collector or his subordinates in the execution of their duty.	XII.	XIII.		
„ Penalty for contempt committed in the Collector's Office or Cutchery.	XII.	XIV.		
„ Collector shall act under the control of the superior Revenue authorities in the execution of this Act.	XII.	XV.		
„ Supreme Court shall have no jurisdiction over matters concerning the ground rents due to the Company.	XII.	XVI.		
„ Actions against Revenue Officers where to be, and the same to be brought within what period.	XII.	XVII.		
„ Definition of the terms Collector and Board of Revenue used in this Act.	XII.	XVIII.		
M.				
Magistrates, Deputy. (See Uncovenanted.)				
Malacca. (See Excise.)				
Marine Courts.—Fines levied under Act XXIV. 1845, shall be applicable toward defraying expenses of.	I.	I.	.....	Calcutta.
O.				
Opium and preparations thereof. (See Excise.)				
P.				
Prince of Wales' Island. (See Excise.)				
Public Roads and Bridges. (See Tolls.)				
Public Securities belonging to estates of deceased persons. (See Administration.)				
R.				
Receivers of stolen property may be tried where the principal by law is				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
to be tried, or where the property is found in their possession, or where the receiving takes place. ...	XVI.	I.	.....	General.
Registers of Deeds where to be deposited in future.	XI.	.....	.....	Bengal and N. W. Provinces.
Regulation XIII. of 1810, Bengal Code, amended.	II.			
„ X. of 1819, Bengal Code, amended.	III.			
„ IV., Cl. 2nd, Sec. LXI. „ XXIX. Cl. 3rd, Sec. VII. Bombay Code, repealed.	VII.	I.		
„ II. IV. and V. of 1830, passed by the Government of Straits' Settlements, repealed.	XIV.	I.	.....	Straits' Settlements.
„ IV. of 1831, passed by the President of the Council of India repealed.	XIV.	„		
„ X. of 1833, passed by the Governor General of India in Council, repealed.	XIV.	„		
Revenue, Land. (See Land Revenue.)				
Roads, Public. (See Tolls.)				
Rule, Ordinance and Regulation of 11th April 1847, part of Article II. of, repealed. ..... (See Gambling.)	IX.	I.	.....	Bombay.
S.				
Salt,—unlawfully manufactured at any place, and all fresh manufactured contraband Salt, how to be dealt with. Section II. to X. and XXIII. of Act XXIX. of 1838 made applicable to receipt of information and the manner of search and seizure under this Act.	III.	I.	....	Bengal.
„ Penalty for illegal possession and transportation of.	III.	II.		
Securities, Public—belonging to Estates of deceased persons. (See Administration.)				
Singapore. (See Excise.)				
Spirituous Liquors. (See Excise.)				
Stolen Property. (See Receivers.)				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Straits' Settlements. (See Excise.)				
Sudder Courts, Appeals in—may be heard by three Judges, in cases where the judgment appealed from may have been passed by one of them in the Lower Court.	II.	I.	.....	Bengal and N. W. Provinces.
T.				
Tolls—may be levied upon any Public Roads and Bridges.	VIII.	II.	....	General.
„ Non-payment of—how to be levied.	VIII.	III.		
„ Exemption.	VIII.	IV.		
„ Police Officers to assist the Toll Collectors when required.	VIII.	V.		
„ Penalty for unlawful collections of, and for extortions.	VIII.	VI.		
„ Table of Tolls, with a Statement of penalties for refusal of payment, and for unlawful collections, to be put up at each Toll-Gate or Station.	VIII.	VII.		
„ How applicable.	VIII.	VIII.		
Schedule.				
Trustees.—Administration of Estates of deceased persons, as concerns public Securities in cases of disputed claims, by—See Administration.				
Turton, Sir Thomas, Baronet.—Late Ecclesiastical Registrar of the Supreme Court. Relief of certain sufferers by the insolvency of.—...	Preamble,...	.....	.....	Calcutta.
„ Proceeds of all unclaimed Estates which have accumulated since 1836, or may hereafter accumulate and continue unclaimed for 15 years, shall be transferred to the Sub-Treasurer for credit to the East India Company.	V.	I.		
„ Established claims hereafter made to the unclaimed Estates how to be satisfied, and disputed claims how to be established.	V.	II.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1851.			
Turton, Sir Thomas, Baronet.—Claims on account of Estates as per Schedules annexed to the Report of the Commissioners appointed to inquire into the deficiency caused by—in the Estates administered by him, how to be discharged.	V.	III.		
„ Part of Section III. Act. V. of 1851, relating to the payment to the representatives of the Intestates and others named in Schedule B and D, repealed.	XIII.	I.		
U.				
Uncovenanted Deputy Magistrates—Governor in Council may appoint one or more—to any Zillah or District.	IV.	II.	.....	Bombay.
„ Before entering upon their duties, shall subscribe what kind of declaration.	IV.	III.		
„ May be employed as Judicial or Police Officers, and what powers shall they exercise in their two capacities, respectively.....	IV.	IV.		
„ Any Uncovenanted Judicial and Revenue Officer may also hold the Office of Deputy Magistrate.	IV.	V.		
„ Not to be dismissed without the sanction of the Governor in Council.	IV.	VI.		

F. Carbery, Bengal Military Orphan Press.